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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

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11 UNITED STATES OF AMERICA,)	2:09-CR-078-JCM-(RJJ)
12 Plaintiff,)	
13 vs.)	GOVERNMENT'S MOTION TO
14 SHAWN TALBOT RICE,)	TERMINATE DEFENDANT'S
15 Defendant.)	SELF-REPRESENTATION AND TO
)	RE-APPOINT COUNSEL TO
)	REPRESENT DEFENDANT RICE

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17 COMES NOW the United States of America, by and through DANIEL G.
18 BOGDEN, United States Attorney, and J. Gregory Damm, Assistant United States
19 Attorney, and files its GOVERNMENT'S MOTION TO TERMINATE
20 DEFENDANT'S SELF-REPRESENTATION AND TO RE-APPOINT COUNSEL
21 TO REPRESENT DEFENDANT RICE.

22 An indictment in this case was first returned on March 3, 2009. CR 1. On
23 March 6, 2009, defendant Rice first appeared in court and counsel was appointed to
24 represent him. CR 10, 15. On July 27, 2009, defendant Rice indicated a desire to
25 represent himself. CR 66. On July 28, 2009, after a hearing before the magistrate
26 judge, defendant Rice was allowed to represent himself with standby counsel. CR
68. On October 1, 2009, defendant Rice filed a Notice of Termination of Standby

1 Counsel for Cause. CR # 80. On October 26, 2009, after a hearing before the
 2 magistrate judge, defendant Rice's motion to terminate standby counsel was
 3 granted. CR # 86.

4 Defendant Rice has continued to represent himself since October 26, 2009.
 5 On February 12, 2010, undersigned counsel for the United States was personally
 6 served by defendant Shawn Rice with a "Court Order by a living one supreme
 7 Court." CR # 123. This order, signed by defendant Rice and dated February 10,
 8 2010, instructs in part "all men and women ... to Discharge, Dismiss and Close on
 9 the books the fore noticed commercial cause [2:09-CR-078] (including any alleged
 10 pretrial services agreement through fraud in the factum or otherwise) as it has been
 11 imagined"

12 Defendant Rice has also filed a plethora of pleadings in this case which
 13 appear to have nothing to do with his criminal case. These pleadings include
 14 documents 21-31 filed by defendant Rice even though he was represented by
 15 counsel. *See*, CR # 32 (Order Striking Filed Documents 21-31). These irrelevant
 16 documents also include:

17 CR # 36 4/7/2009 Notice to DTC;

18 CR # 50 5/14/2009 Notice of Affidavit of Admissions in Commerce by
 19 Negative Averment;

20 CR # 54 6/11/2009 Notice entitled "Contract and Notice of Case
 21 Termination";

22 CR # 57 6/23/2009 Certificate of Service for Legal Notice and Demand and
 23 Supporting Affidavit;

24 CR # 61 7/10/2009 Notice Capital Tax Payment and Notice of Non-
 25 Abandonment of Escrow Account;

26 CR # 72 8/14/2009 Motion to Dismiss with Prejudice, or in the Alternative,
 Subpoena Duces Tecum;

1	CR # 77	10/1/2009	Notice of Mandatory Judicial Notice of Status Relation of
2			Simpe Corporation Sole to its Titular Head with Points
3			and Authorities;
4	CR # 78	10/1/2009	Affidavit of Arthur "Mickey" O'Brien by Shawn Rice;
5	CR # 81	10/1/2009	Notice of Compulsory Counter Claim and Invocation of
6			Admiralty / Maritime Jurisdiction Side of the Court;
7	CR # 82	10/7/2009	Motion - Notice and Demand to Reinstate Previously
8			Stricken Documents;
9	CR # 83	10/7/2009	Petition to Supersede and Retire all Previous Bonds and
10			Release Real Party in Interest / Third Party Intervener
11			From All Liability and Replevin and Mandatory Judicial
12			Notice;
13	CR # 87	11/2/2009	Motion for Remedy and Administrative Notice and
14			Acceptance of Claim;
15	CR # 89	11/2/2009	Statement Re Admission Re Lack of LOMAR;
16	CR # 90	11/2/2009	Affidavit of Private Federal Union Resignation;
17	CR # 91	11/2/2009	Statement of Foreign Entry of Default Regarding Status;
18	CR # 92	11/2/2009	Notice to DTC;
19	CR # 94	11/5/2009	Motion for Forfeiture in re Accounting, Account Stated,
20			Unjust Enrichment and Specific Performance;
21	CR # 98	11/12/2009	Motion for Writ of Execution, and Affidavit;
22	CR # 100	11/12/2009	Amended Counterclaim Parties List;
23	CR # 104	11/24/2009	Letter from Shawn Talbot Rice to Timothy F. Geithner;
24	CR # 105	11/24/2009	Notice of Broken Foot;
25	CR # 107	11/24/2009	Posting of Silver Bond for any Substance Damage;
26	CR # 106	11/25/2009	Affidavit of Shawn Rice;

1 CR # 112 12/21/2009 Notice of Lodgment of Public Record of Surety on
2 Supersedeas Bond;
3 CR # 113 12/21/2009 Notice of Lodgment of Banker's Acceptance of Charges;
4 CR # 114 12/21/2009 Reply to Response re Counterclaim Demonstrating;
5 Previous Communications to Motion to Dismiss;
6 CR # 115 12/21/2009 Motion to Dismiss for Lack of Subject Matter;
7 Jurisdiction, Lodgment of Proof of Priority Claim and
8 Relief Requested and Memorandum of Maxims;
9 CR # 118 1/5/2010 Memorandum in support of Counter-Claim Demonstrating
10 Plaintiff Corporate Status;
11 CR # 117 1/6/2010 Letter from Shawn-Talbot Rice;
12 CR # 119 1/6/2010 Memorandum in support of Counter-Claim Demonstrating
13 Bank Fraud;
14 CR # 120 1/6/2010 Memorandum in support of Office of the Embassy in Trust
15 with the Most High Yahwey Taking Action to Redeem
16 Equal Weights and Measures;
17 CR # 121 2/2/2010 Affidavit of Shawn Rice for 3 day notice of commercial
18 arrest of corporate office and bonds; and,
19 CR # 123 2/12/2010 Court Order by a living one supreme Court.

20 Looking at the docket sheet in the light most favorable to defendant Rice, he
21 has filed at least thirty-three frivolous pleadings in this case. The right of self-
22 representation is not a license to abuse the dignity of the court. A trial judge may
23 terminate self-representation by a defendant who deliberately engages in serious and
24 obstructionist misconduct. *See, Faretta v. California*, 422 U.S. 806, 834, n.46, 95
25 S.Ct. 2525, 2541, n. 46 (1975). "A defendant does not forfeit his right to

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1 representation at trial when he acts out. He merely forfeits his right to represent
2 himself in the proceeding.” *United States v. Mack*, 362 F.3d 597, 601 (9th Cir.
3 2004).

4 CONCLUSION

5 WHEREFORE, based upon the foregoing demonstrated obstructive conduct
6 of defendant Rice, the United States respectfully requests that this Court revoke
7 defendant Shawn Talbot Rice’s previously granted permission to represent himself,
8 strike his frivolous pleadings and appoint new counsel to represent him.

9 DATED this 12th day of February, 2010.

10 Respectfully submitted,

11 DANIEL G. BOGDEN
12 United States Attorney

13 /s/ J. Gregory Damm
14 J. GREGORY DAMM
15 Assistant United States Attorney
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Certificate Of Service

I, J. Gregory Damm, hereby certify that I am an employee of the United States Department of Justice, and that on this day I served a copy of the following: GOVERNMENT'S MOTION TO TERMINATE DEFENDANT'S SELF-REPRESENTATION AND TO RE-APPOINT COUNSEL TO REPRESENT DEFENDANT RICE, upon counsel for all defendants appearing in this matter via the CM/ECF system, by electronically filing said GOVERNMENT'S MOTION TO TERMINATE DEFENDANT'S SELF-REPRESENTATION AND TO RE-APPOINT COUNSEL TO REPRESENT DEFENDANT RICE and mailing a copy postage prepaid to Shawn Talbot Rice, P.O. Box 700, #81, Ash Fork, Arizona 86320.

Dated: February 12, 2010

/s/ J. Gregory Damm
Assistant United States Attorney
District of Nevada